

# **EXHIBIT 28**

## **(Excerpt)**

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF VIRGINIA

3 ALEXANDRIA DIVISION

4 - - - - - x

5 UNITED STATES, et al., :

6 Plaintiffs, :

7 v. : Case No.

8 GOOGLE, LLC, : 1:23-cv-00108

9 Defendant. :

10 - - - - - x

11 Monday, March 4, 2024

12 Washington, D.C.

13 Job No. CS6484199

14 Videotaped Deposition of:

15 WAYNE D. HOYER, Ph.D.,

16 called for oral examination by counsel for the

17 Defendant, pursuant to notice, at the United States

18 Department of Justice, Antitrust Division, 450 Fifth

19 Street, Northwest, Suite 11-248, Washington,

20 D.C. 20001, before Christina S. Hotsko, RPR, CRR, of

21 Veritext Legal Solutions, a Notary Public in and for

22 the District of Columbia, beginning at 8:33 a.m.,

when were present on behalf of the respective

parties:

1 Q. Okay. And I believe earlier, when we  
2 spoke about the use of a panel or rely -- or a  
3 third-party company to assemble a panel of  
4 respondents, you said that that's common in the  
5 industry?

6 A. Yes, it is.

7 Q. So have you relied on companies to  
8 assemble a panel of respondents for you in surveys  
9 that you've conducted in the past?

10 A. Yes, I have.

11 Q. How often have you done that?

12 A. Well, on every survey I did.

13 Q. Very common, then.

14 A. Yes.

15 Q. When you have used a third-party company  
16 to assemble a panel of respondents, what, if  
17 anything, have you done to verify how they select  
18 their panel?

19 A. Well, I ask them about the details, and  
20 then I carefully look at what samples have  
21 resulted from those.

22 Q. How do you confirm that the panel was